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JUL 15 2010

In re Application of	:	OFFICE OF PETITIONS
Seung-Dong KANG et al.	:	
Application No. 09/275,808	:	DECISION ON PETITION
Filed: March 25, 1999	:	
Attorney Docket No. SEC.626	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 22, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue and publication fees and to submit corrected formal drawings on or before September 19, 2000, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed June 19, 2000. Accordingly, the date of abandonment of this application is September 20, 2000.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. *See* MPEP 711.03(c), under the subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action;" and 1156 Off. Gaz. Pat. Office 53 (November 16, 1993).

A courtesy copy of the petition decision mailed November 03, 2000 is attached.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.



Michelle R. Eason
Paralegal Specialist
Office of Petitions

09/275808

NOTICE OF DRAFTPERSON'S PATENT DRAWING REVIEW

The drawing filed (insert date) 10/23/00 are:

- A. 2 not objected to by the Draftperson under 37 CFR 1.84 or 1.152.
- B. 2 objected to by the Draftperson under 37 CFR 1.84 or 1.152 as indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawings must be submitted according to the instructions on the back of this notice.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:

Black ink. Color.

☐ Color drawing are not acceptable until petition is granted.

Fig(s) _____

☐ Pencil and non black ink is not permitted. Fig(s) _____

2. PHOTOGRAPHS. 37 CFR 1.84(b)

☒ Photographs are not acceptable until petition is granted.☒ 3 full-tone sets are required. Fig(s) CA, 105☒ Photographs not properly mounted (must be on Bristol board or photographic double-weight paper). Fig(s) CA, 105☒ Poor quality (half-tone). Fig(s) CA, 105

3. TYPE OF PAPER. 37 CFR 1.84(e)

☐ Paper not flexible, strong, white and durable.

Fig(s) _____

☐ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not acceptable. (too thin)☐ Mylar, vellum paper is not acceptable (too thin).

Fig(s) _____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

☐ 21.0 cm by 29.7 cm (DIN size A4)☐ 21.6 cm by 27.9 cm (8 1/2 x 11 inches)☐ All drawings sheets not the same size.

Sheet(s) _____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

☐ Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm
SIZE: A4 Size☐ Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm
SIZE: 8 1/2 x 11☐ Margins not acceptable. Fig(s) _____☐ Top (T) _____ Left (L) _____☐ Right (R) _____ Bottom (B) _____

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes.

☐ Views connected by projection lines or lead lines.

Fig(s) _____

Partial views. 37 CFR 1.84(h)(2)

☐ Brackets needed to show figure as one entity.

Fig(s) _____

☐ Views not labeled separately or properly.

Fig(s) _____

☐ Enlarged view not labeled separately or properly.

Fig(s) _____

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

☐ Hatching not indicated for sectional portions of an object.

Fig(s) _____

☐ Sectional designation should be noted with Arabic or

Roman numbers. Fig(s) _____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned, so that the top becomes the right side, except for graphs. Fig(s) _____☐ Views not on the same plane on drawing sheet. Fig(s) _____

9. SCALE. 37 CFR 1.84(k)

☐ Scale not large enough to show mechanism with crowding when drawing is reduced in size to two-thirds in reproduction.

Fig(s) _____

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

☐ Lines, numbers & letters not uniformly thick and well defined, clean, durable and black (poor line quality).

Fig(s) _____

11. SHADING. 37 CFR 1.84(m)

☐ Solid black areas pale. Fig(s) _____☐ Solid black shading not permitted. Fig(s) _____☐ Shade lines, pale, rough and blurred. Fig(s) _____

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

☐ Numbers and reference characters not plain and legible.

Fig(s) _____

☐ Figure legends are poor. Fig(s) _____☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(3) Fig(s) _____☐ English alphabet not used. 37 CFR 1.84(p)(3) Fig(s) _____☐ Numbers, letters and reference characters must be at least

.32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3) Fig(s) _____

13. LEAD LINES. 37 CFR 1.84(q)

☐ Lead lines cross each other. Fig(s) _____☐ Lead lines missing. Fig(s) _____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.48(t)

☐ Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Fig(s) _____

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____

16. CORRECTIONS. 37 CFR 1.84(w)

☐ Corrections not made from PTO-948 dated _____

17. DESIGN DRAWINGS. 37 CFR 1.152

☐ Surface shading shown not appropriate. Fig(s) _____☐ Solid black shading not used for color contrast.

Fig(s) _____

COMMENTS

REVIEWER _____

DATE 11/2/00TELEPHONE NO. 388-0011

ATTACHMENT TO PAPER NO. _____

PTO COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 12

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RESTON, VA 20191

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NOV 03 2000

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Seung-Dong Kang et al.
Application No. 09/275,808
Filed: March 25, 1999
Attorney Docket No. SEC.626

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 23, 2000, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure submit the issue fee in a timely manner in reply to the Notice of Allowance mailed June 19, 2000, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on September 20, 2000.

A grantable petition under 37 CFR 1.137(b)¹ must be accompanied by: (1) the required reply,² unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the

¹ As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

² In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item (1).


A petition to revive cannot be granted where there is an outstanding requirement. In the instant case, the drawings submitted on October 23, 2000, are objected to by the draftsman. A Notice of Draftsman's Patent Drawing Review (PTO-948) is attached. Accordingly, this application cannot be revived until corrected formal drawings have been submitted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.


Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: PTO-948